

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE LICENSE OF

JAMES T. MURPHY, M.D.

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**FINAL DECISION AND ORDER
FOR REMEDIAL EDUCATION**

0003560

Division of Legal Services and Compliance Case No. 14 MED 009

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

James T. Murphy, M.D.
1530 20th Street
Baraboo, WI 53913

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Licensee James Thomas Murphy, M.D., (dob October 29, 1955), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 31470-20, first issued on July 18, 1990, with registration current through October 31, 2015. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1530 20th St., Baraboo, Wisconsin 53913. Licensee is or was also licensed in Alabama, Arizona, California, Connecticut, Indiana, Iowa, Michigan, Missouri, North Carolina, New York, Texas, and Wyoming. Licensee is not certified by any board recognized by the

American Board of Medical Specialties, and practices emergency medicine as a *locum tenens* physician.

2. On January 10, 2014, the New York State Board for Professional Medical Conduct issued a Consent Order against Licensee's license number (259046) to practice medicine in the state of New York by adopting Licensee's Consent Agreement and its terms as follows:

- a. Licensee's license shall immediately be placed on inactive status, and he shall never re-register or activate his license to practice medicine as a physician in New York State; and
- b. Licensee shall be precluded from practicing in any setting where his practice is based solely on his New York license, and shall be precluded from reliance upon his license to practice medicine in New York to exempt him from licensure, certification or other requirements; and
- c. Licensee shall meet with a person designated by the Director of Office of Professional Medical Conduct (OPMC) and promptly provide all documents and information within Licensee's control, as directed. This condition will continue as long as Licensee remains licensed in New York State.

3. The basis for the State of New York's action was Licensee's medical care of four different patients in an Emergency Department on four different occasions from November, 2010, to March, 2011. Licensee was charged with alleged deviation from accepted standards of care, with alleged practicing the profession of medicine with negligence on more than one occasion, and with alleged failing to maintain a record for each patient which accurately reflected the evaluation and treatment of that patient. To save time and costs in remotely defending against an action in New York, Licensee agreed to stipulate with the New York State Board For Professional Conduct only to the accusation that he failed to maintain adequate medical records for the patients. Licensee denies the remaining allegations.

4. In his written response to the Wisconsin Medical Examining Board, Licensee, or commented that in one case: "I missed early abdominal sepsis and the patient returned two days later that [*sic*] subsequently died."

5. Licensee represents to the Board that his time in New York was characterized by an inadequately staffed emergency department, frequently requiring him to be responsible for the care of as many as 25 patients. Licensee represents to the Board that his requests for additional staffing were denied, and that as a result he left this position within six months. Licensee represents to the Board that he has practiced emergency medicine in Wisconsin for over 20 years, without incident.

6. Licensee has presented a letter attesting to his current competence from the Chief of Staff of one of the emergency departments in which he has frequently, and recently, practiced.

7. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. Because of the consent agreement entered into between the New York State Board for Professional Medical Conduct and Licensee James T. Murphy, M.D., Licensee is subject to Wis. Admin. Code § Med 10.03(3)(c).
3. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 227.44(5) and 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Within 6 months of the date of this Order, James T. Murphy, M.D., shall at Licensee's own expense take and successfully complete 17 hours of education in medical recordkeeping, and 25 hours of education in appropriate emergency care for patients, as detailed in the following paragraphs.
3. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
4. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any education requirements that have been or may be instituted by the Board or Department.
5. The Board accepts the 26 hours of Category I CME which Respondent received at the American College of Emergency Physicians Scientific Assembly in Chicago, October 27-30, 2014, as meeting the requirement for education in appropriate emergency care for patients.
6. Within 90 days from the date of this Order, James T. Murphy, M.D., shall pay COSTS of this matter in the amount of \$700.
7. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190

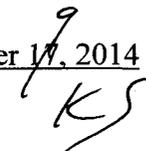
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

8. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Licensee's license. The Board in its discretion may in the alternative impose additional conditions and limitations for a violation of any of the terms of this Order. In the event Licensee fails to timely submit payment of costs as ordered, Licensee's license (31470-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Licensee has complied with payment of the costs and completion of the education.

9. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board
akt

November 17, 2014
Date 

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF
JAMES T. MURPHY, M.D.

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STIPULATION

0003560

Division of Legal Services and Compliance Case No. 14 MED 009

Licensee James T. Murphy, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by The Center for Health Law Equity, LLC.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

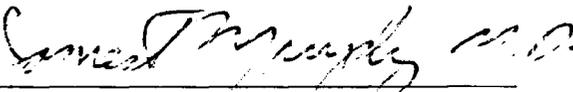
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

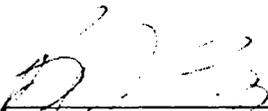
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order for Remedial Education.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.


James T. Murphy, M.D., Licensee
1530 Twentieth Street
Baraboo, WI 53913
License no. 31470-20

10-24-2014
Date


Barbara J. Zabawa, Attorney for Licensee
The Center for Health Law Equity, LLC
5104 Valley Drive
McFarland, WI 53558-9673

10-28-2014
Date


Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

10-31-14
Date